

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

**DARWIN CRAWFORD and
CHARLOTTE CRAWFORD,**

Plaintiffs,

v.

ALLSTATE TEXAS LLOYD'S,

Defendant.

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CIVIL ACTION NO. 9:10-CV-132

**ORDER ADOPTING REPORT AND RECOMMENDATION
ON MOTION FOR SUMMARY JUDGMENT**

Pending before the Court is the defendant Allstate Texas Lloyd's Motion for Summary Judgment and Motion to Enforce Settlement Agreement [doc. #24]. The Court referred this matter to United States Magistrate Judge Keith F. Giblin for consideration of and recommended disposition on case-dispositive pretrial motions.

On January 11, 2012, Judge Giblin issued his report and recommendation in which he recommended that the Court grant the motion for summary judgment and enforce the settlement agreement. He also recommended that the Court enter judgment in favor of Allstate.

The Court has received and considered the report of the United States Magistrate Judge, along with the record and pleadings. The parties have not filed objections to the magistrate judge's report. The plaintiffs did not respond to the pending motion for summary judgment. The Court's independent *de novo* review of the record confirms that the magistrate judge's analysis is correct. The plaintiffs failed to present any summary judgment evidence controverting the finding that the settlement agreement at issue is, in fact, valid and enforceable.

Allstate established that a valid settlement agreement exists through summary judgment evidence attached to its motion. Judge Giblin concluded that a valid settlement agreement existed. The plaintiffs failed to object to this finding. They failed to present any evidence rebutting the presumption that a valid and enforceable settlement agreement exists, as established by Allstate's motion. Accordingly, there is no genuine dispute regarding Allstate's counterclaim, which seeks to enforce the settlement agreement. See FED. R. CIV. P. 56(a); Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986); Little v. Liquid Air Corp., 37 F. 3d 1069, 1075 (5th Cir. 1994) (citing Celotex Corp. v. Catrett, 477 U.S. 317, 325 (1986)).

After review, the Court accordingly finds that Judge Giblin's findings and recommendations should be accepted. The Court **ORDERS** that the Report and Recommendation on the Motion for Summary Judgment [doc. #28] is **ADOPTED**. The Court further **ORDERS** that defendant Allstate Texas Lloyd's Motion for Summary Judgment and to Enforce Settlement Agreement [doc. #24] is **GRANTED**, and the plaintiffs' claims are **DISMISSED** in their entirety, with prejudice. The Court will enter final judgment separately.

So **ORDERED** and **SIGNED** this **14** day of **February, 2012**.



Ron Clark, United States District Judge